

Ministry of Environment and Energy

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FOR YOUR **information**

JANUARY 1997

Municipalities assume responsibility for private septic systems

LEGISLATION

The *Water and Sewage Services Improvement Act, 1997*, was introduced for first reading on October 15, 1997.

Following passage of the legislation, municipalities will formally assume responsibility for the inspection and approval of private septic systems, tile beds, holding tanks and other designated sewage systems beginning October 1, 1997.

In areas of the province that have not been organized into municipalities, the Ministry of Municipal Affairs and Housing (MMAH) would assume these responsibilities.

CURRENT SITUATION

While the Ministry of Environment and Energy (MOEE) currently administers Part VIII of the *Environmental Protection Act*, which governs subsurface sewage systems, the septic system program has been carried out primarily by boards of health and conservation authorities operating under voluntary agreements with MOEE. These authorities have received a provincial subsidy for delivering the Part VIII program on behalf of MOEE.

DEFINING GOVERNMENT ROLES

In accordance with the recommendations of the Who Does What panel, headed by David Ambie, municipalities, the MMAH or their agents will deliver the septic system program, including approvals and inspections and subsidies will end.

- In turn, municipalities have been given the power (under recent amendments to the *Municipal Act*) to recover the full cost of administering the program from those who receive their services. Municipalities and the MMAH will be required to appoint approving authorities and inspectors, requiring proper training and certification, to be prescribed in forthcoming regulations in the bill, as part of the amendments to Part VIII of the *Environmental Protection Act*.
- MOEE will continue to set tough rules for septic system installation and operation.
- MOEE will also be introducing additional requirements for the certification of septic tank inspectors and installers.
- Decisions of the Environmental Appeal Board regarding sewage systems will be final except for appeals on matters of law, which will continue to go to divisional court.
- In addition to approval and inspection services, municipalities, the MMAH or their agents would also be responsible for handling any complaints related to both new and existing installations.

TRANSITION OF RESPONSIBILITY

- A number of provisions would ensure a smooth transition period, preserve current certificates of approval and other permits and orders.
- In the interim, local authorities currently under contract to MOEE will likely continue to deliver inspection and approval services and provincial subsidies will be extended until September 30,

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CLARIFIED GOVERNMENT ROLES

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1997. After that date, provincial subsidies will end and municipalities will have the authority to collect fees and fully recover the costs of delivering the program.

The transition period until October 1997 takes into consideration the time required for training and certification of inspectors.

TRANSFERRING WATER AND SEWAGE WORKS

- The proposed legislation also allows the Minister of Environment and Energy to transfer full title of provincially owned sewage and water treatment plants from the Ontario Clean Water Agency to the local municipalities that they serve. The province currently owns 230 plants, representing 25 per cent of Ontario's water and sewage facilities.
- This will consolidate ownership of water and sewage facilities at the municipal level of government, which already owns the remaining 75 per cent of plants in the province.

CONSULTATION

- Notice will be filed on the province's Environmental Registry in accordance with the public consultation provisions of the Environmental Bill of Rights. The registry is an electronic database, publicly accessible through home computers, ministry offices and local libraries by using one of the following methods:
 1. Direct dial using a modem: Local (416 and 905) callers should dial 416-327-3000. Long distance callers should use 1-800-667-9979.
 2. Telnetting via the internet: Internet users may reach the registry using "telnet bbs.gov.on.ca".
 3. Using the world wide web: The registry can be reached from the EBR home page on the MOEE web site at www.ene.gov.on.ca.
- Copies of the draft legislation are available from Publications Ontario. Write to 50 Grosvenor St., Toronto, Ont., M7A 1N3 or phone (416) 326-5300 or, outside Toronto, 1-800-668-9938.
- Any interested person will have an opportunity to review the proposed legislation and submit comments for consideration by the ministry before the final changes are made. Regulations pertaining to septic system inspection will also be subject to public review and comment.

- A fact sheet on the transfer of provincially owned water and sewage plants to municipalities is also available. For that fact sheet or for more information on the inspection and approval of sewage systems or any of the other changes proposed in the **Water and Sewage Services Improvement Act**, contact the:

Public Information Centre
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